

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olas Carayannis	Team: Squad #12	CCRB Case #: 201404609	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/04/2014 4:30 AM	Location of Incident: [REDACTED]	Precinct: 25	18 Mo. SOL 11/4/2015	EO SOL 11/4/2015	
Date/Time CV Reported Sun, 05/04/2014 7:39 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/12/2014 4:33 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Jacob Aaronson	00044	941300	PSA 5
2. POM Anthony Baresi	03106	951522	PSA 5
3. POM Anthony Tyler	09716	914513	PSA 5
4. An officer			PSA5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Scott Newcamp	01868	940506	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.POM Jacob Aaronson	Force: PO Jacob Aaronson used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Anthony Baresi	Force: PO Anthony Baresi used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]
C. An officer	Discourtesy: An officer spoke discourteously to individuals.	[REDACTED]
D. An officer	Abuse: An officer threatened individuals with the use of force.	[REDACTED]
E. An officer	Force: An officer used physical force against individuals.	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On May 4, 2014, at approximately 6:35 a.m., § 87(2)(b) was at his friend's apartment, located at § 87(2)(b) in Manhattan. § 87(2)(b) was attending a post-funeral party for his friend's mother who had recently passed away. Officers from PSA5 arrived, among them PO Jacob Aaronson and PO Anthony Baresi, and shut down the party. The partygoers left the apartment and § 87(2)(b)'s friend, § 87(2)(b) left also as he was told he was not supposed to be in the apartment. § 87(2)(b) returned to the apartment in order to obtain a set of speakers he left behind. PO Aaronson and PO Baresi were standing in front of the apartment when he arrived. PO Aaronson and PO Baresi told § 87(2)(b) he would need to be accompanied by NYCHA employees to enter the apartment. § 87(2)(b) left the building and found two NYCHA employees, identified by the investigation as § 87(2)(b) and § 87(2)(b) who were already heading up to the apartment. PO Aaronson and PO Baresi informed § 87(2)(b) that he could not reenter the apartment. § 87(2)(b) continued to request admittance, and PO Aaronson punched him in the right cheek (**Allegation A**). § 87(2)(b) fell backward as a result in to the elevator bank. § 87(2)(b) pushed the elevator door button and the doors opened. § 87(2)(b) entered the elevator and PO Aaronson and PO Baresi followed him. PO Baresi reached around § 87(2)(b) and put his arm on § 87(2)(b)'s throat (**Allegation B**). This action did not restrict § 87(2)(b)'s breathing. PO Aaronson continued to punch § 87(2)(b) in the back of his head (**Allegation A continued**). § 87(2)(b) did not know if he was being hit only with PO Aaronson's closed fist or if PO Aaronson used a blunt instrument like a police radio. The doors to the elevator opened and § 87(2)(b) ran down 16 flights of stairs. Upon getting to the front of the building, SGT Scott Newcamp and PO Anthony Tyler were running toward him. SGT Newcamp stated that § 87(2)(b) was the person he was looking for. § 87(2)(b) raised his hands and allowed SGT Newcamp to handcuff him. PO Aaronson arrived at around this time and punched him again in the back of the head (**Allegation A continued**). § 87(2)(b) observed unidentified civilians around him yelling that what the officers were doing wasn't right. A brown-skinned male officer told these individuals to back the "fuck" up, that he would mace them, and he pushed these individuals (**Allegations C, D, and E**). § 87(2)(b) did not know these individuals.

§ 87(2)(b) was treated at § 87(2)(b) for and abrasion to his head. He was charged with § 87(2)(b).

Mediation, Notice of Claim, and Criminal Histories

This case was unsuitable for mediation as § 87(2)(b) claimed personal injury and he was arrested for § 87(2)(b). As of January 22, 2015, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's Office (encl. K3). As of May 13, 2015, § 87(2)(b)'s criminal court case is still open (encl. K1-2). § 87(2)(b)

(encl. L1-10)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Jacob Aaronson has been a member of the service for eight years and he has no substantiated CCRB complaints against him (encl. B1-2).

- PO Anthony Baresi has been a member of the service for three years and he has no substantiated CCRB complaints against him (encl. B3).
- PO Anthony Tyler has been a member of the service for 21 years and he has no substantiated CCRB complaints against him (encl. B4).

Potential Issues

PO Aaronson, PO Baresi, SGT Newcamp, and PO Tyler all stated that the NYPD Viper Unit had recorded part of the incident and provided the video of the incident to the Manhattan DA's Office. On April 2, 2015, the Evidence Production Unit of the NYPD stated that the NYPD did not have possession of the video and that it was likely given directly to the Manhattan DA's Office. Between February 2, and May 10, 2015, more than ten calls were placed to the DA's office, including calls to the Bureau Chief and the ADA in charge of the case to obtain a copy of this video. Acting DEDI Jonathon Darche has also made attempts to obtain this video. To date, the DA's office has not confirmed or disconfirmed the existence of this video and they have not provided a copy of the video footage to the investigation.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) (encl. C1-13) stated that an officer, described as a brown-skinned male in uniform, told two individuals, who were also unidentified, to get the "fuck" back, "we are going to mace you," and this officer pushed someone. None of the officers interviewed acknowledged witnessing this interaction and the victims were unidentified (see below).

Allegation not pled

§ 87(2)(b) stated that he did not see what hit him in the back of the head. He stated that he did not know if it was a blunt instrument, such as a police radio, or if it was PO Aaronson's closed fist. None of the officers interviewed acknowledged hitting him with a blunt instrument. Thus, given that § 87(2)(b) did not know what hit him and given that there is no evidence that § 87(2)(b) was hit with anything other than a fist, no additional force allegation of being hit with a blunt instrument was pled.

Investigation Findings and Recommendations

Allegation A—Force: PO Jacob Aaronson used physical force against § 87(2)(b)

Allegation B—Force: PO Anthony Baresi used a chokehold against § 87(2)(b)

§ 87(2)(b) (encl. C1-10) stated that he drank two shots of tequila 5 hours prior to the incident. While he was arguing that he should be allowed inside of his friend's mother's apartment, PO Aaronson punched him in the cheek. § 87(2)(b) did not fight back and did not resist beyond attempting to flee from PO Aaronson and PO Baresi. § 87(2)(b) went inside the elevator and PO Baresi grabbed him around the neck, though he did not constrict his breathing. PO Aaronson then punched him in the head multiple times. When the elevator stopped and the doors opened, § 87(2)(b) ran down 16 flights of stairs where he was apprehended by SGT Newcamp and PO Tyler. After being apprehended, PO Aaronson punched him in the back of the head.

None of the civilian witnesses interviewed witnessed the physical interaction with § 87(2)(b) (encl. E1-14).

§ 87(2)(b) was diagnosed with abrasions to his head and no further injuries (encl. D1 and privileged medical file).

§ 87(2)(b)'s arrest photograph does not show any injuries to his face or head (encl. J3).

PO Aaronson (encl. F1-15) stated that after the third time of telling § 87(2)(b) to leave the location as he was not authorized to be there, § 87(2)(b) was considered under arrest for trespassing. PO Aaronson informed § 87(2)(b) that he was under arrest and he and PO Baresi attempted to place § 87(2)(b) under arrest by grabbing his arms. § 87(2)(b) was intoxicated and he weighed much more than PO Aaronson and PO Baresi. § 87(2)(b) pulled his hands away and punched PO Aaronson in the mouth. PO Aaronson and PO Baresi attempted to grab his hands a second time and § 87(2)(b) used his weight to pull both officers into the elevator with him. The elevator doors closed. § 87(2)(b) began swinging his arms toward PO Aaronson, and PO Aaronson punched § 87(2)(b) in the right and left cheek with a closed fist. He told § 87(2)(b) to put his hands behind his back. § 87(2)(b) continued to swing his arms at the officers. PO Aaronson could not see what PO Baresi was doing as PO Baresi was behind him. PO Aaronson punched § 87(2)(b) in the head or face area again, he did not know where. PO Baresi was attempting to open the elevator doors open. PO Aaronson attempted to place § 87(2)(b)'s left hand behind his back but § 87(2)(b) pulled away. PO Aaronson reached over § 87(2)(b)'s arms and shoulders and attempted to grab his forearms to put them behind his back. He did not touch § 87(2)(b)'s throat and he did not see any other officer touch § 87(2)(b)'s throat. He was also attempting to keep § 87(2)(b) away from PO Baresi who was attempting to open the elevator doors. PO Baresi was able to get the doors to open, PO Aaronson did not know on which floor. § 87(2)(b) ran away and down a staircase. The viper unit had been watching the entire interaction on the camera and they had already called for additional units. By the time PO Aaronson and PO Baresi made it downstairs, § 87(2)(b) had been apprehended by PO Tyler and SGT Newcamp. PO Aaronson did not assist in the handcuffing and he did not punch § 87(2)(b) in the head additional times. § 87(2)(b) was bleeding from somewhere on his head, but PO Aaronson did not recall at what point this occurred.

§ 87(2)(g)
PO Baresi did not recall how many times PO Aaronson punched § 87(2)(b) or where, beyond in his head or face region. PO Baresi did not touch § 87(2)(b)'s neck or throat, nor did he put him in a headlock, and he did not see any officer do so. PO Baresi did not punch § 87(2)(b). He assisted PO Tyler and SGT Newcamp in arresting § 87(2)(b) by pulling his arms from beneath him and handcuffing them.

SGT Newcamp (encl. H1-5) did not see the struggle inside of the building. When he arrived, he received a radio transmission from PO Aaronson or PO Baresi that § 87(2)(b) was running down the stairs. SGT Newcamp then observed § 87(2)(b) run out of the side of the building. SGT Newcamp bear hugged him and took him to the ground. PO Baresi and PO Aaronson came to the front of the building at this point. An officer, he did not know who, handcuffed § 87(2)(b) by pulling on his arms. SGT Newcamp did not observe any officer punch § 87(2)(b) in the head or use any additional force. § 87(2)(b) was bleeding from his head, but SGT Newcamp did not know how he sustained this injury.

PO Tyler's (encl. I1-6) statement was consistent with SGT Newcamp and PO Aaronson with only exceptions noted below. PO Tyler assisted in handcuffing § 87(2)(b) while § 87(2)(b) kicked and held his hands under his body. PO Tyler did not recall who handcuffed him. PO Tyler did not see any officer punch § 87(2)(b).

It is undisputed that some force was used to apprehend § 87(2)(b). It is undisputed that PO Aaronson punched § 87(2)(b) in the face. However, the circumstances that led up to this punch are in dispute, with § 87(2)(b) stating that PO Aaronson punched him without provocation and with PO Aaronson and PO Baresi stating that § 87(2)(b) punched PO Aaronson in the face and pulled both officers into the elevator. Both officers denied ever having touched § 87(2)(b)'s throat or neck area and all of the officers denied punching or seeing any other officer punch § 87(2)(b) in front of the location. § 87(2)(g)

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation C—Discourtesy: An officer spoke discourteously to individuals.

Allegation D—Abuse of Authority: An officer threatened individuals with the use of force.

Allegation E—Force: An officer used physical force against individuals.

§ 87(2)(b) (encl. C1-13) alleged that an officer said to two individuals to get the “fuck” back, “we are going to mace you,” and this officer pushed the individuals. No NYPD documentation was generated as a result of the interactions with these individuals, and § 87(2)(b) could not describe these individuals beyond that they were black males. § 87(2)(g)
[Redacted]
[Redacted]

§ 87(4-b), § 87(2)(g)
[Redacted]
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[Redacted]
[Redacted]

Team: One

Investigator:	<u>Nicholas Carayannis</u>	<u>May 13, 2015</u>
	Signature	Date
Supervisor:	<u></u>	<u></u>
	Title/Signature	Date
Reviewer:	<u></u>	<u></u>
	Title/Signature	Date
Reviewer:	<u></u>	<u></u>
	Title/Signature	Date